

Rec'd T/CT/PTO 28 FEB 2005

PATENT

#5

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE PATENT OPERATIONS

Art Unit:

Examiner:

Applicants: Bernd HABER *et al.*

Application No. 10/521,503

Filed: January 11, 2005

Title: *Cholesterol-reducing agent made of dietary fibre and cholesterol-reducing substances*

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Charlotte, NC 28211
February 22, 2005

INFORMATION DISCLOSURE STATEMENT

Pursuant to Rule 56 and Rule 97 *et seq.*, Applicant hereby submits the attached Forms PTO/SB/08A and PTO/SB/08B and the references listed thereon. Applicant respectfully requests that each reference be reviewed and made of record in Application No. 10/521,503 filed January 11, 2005.

This submission does not represent an admission that each or all of the listed documents are material or constitute "prior art." Applicant respectfully requests that each reference be reviewed and made of record in the instant application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-2193.

Respectfully submitted,

Cathy Moore

Cathy R. Moore
Reg. No. 45,764
ProPat, L.L.C.
425-C South Sharon Amity Road
Charlotte, North Carolina 28211-2841
Telephone (704) 365-4881



5703 PCT/PTO 28 FEB 2005

Please type a plus sign (+) inside this box

+

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (08-00)

TRANSMITTAL FORM

(to be used for all correspondence after filing)

| | | | |
|--|--|------------------------|------------------|
| | | Application Number | 10/521,503 |
| | | Filing Date | January 11, 2005 |
| | | First Named Inventor | Bernd HABER |
| | | Group Art Unit | |
| | | Examiner Name | |
| Total Number of Pages in This Submission | | Attorney Docket Number | 02/043K NUT |

ENCLOSURES (check all that apply)

| | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) Extension of Time Request 2 month Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; width: fit-content;"> Postcard Receipt 21 references </div> |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

| | |
|-------------------------------|---|
| Firm Or Individual Name | ProPat, L.L.C. 425-C South Sharon Amity Road Charlotte, NC 28211-2841 |
| Signature | <i>Cathy Moore</i> |
| Date | February 22, 2005 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|----------------------|------|---------------|
| Typed or printed name | Claire Wygand | | |
| Signature | <i>Claire Wygand</i> | Date | Feb. 22, 2005 |

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

| | | | | | | | |
|--|---|----|---|------------------------|------------------|--|--|
| PTO/SB/08A | | | | Complete if known | | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | Application No. | 10/521,503 | | |
| | | | | Filing Date | January 11, 2005 | | |
| | | | | First Named Inventor | Bernd HABER | | |
| | | | | Group Art Unit | | | |
| | | | | Examiner Name | | | |
| Sheet | 1 | Of | 1 | Attorney Docket Number | 02/043K NUT | | |

| U.S. PATENT DOCUMENTS | | | | | | | |
|------------------------------|----------|---------------------|-----------|---|--|-------|-----------|
| Examiner Initials' | Cite No. | U. S. Patent Number | Kind Code | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Class | Sub class |
| | | | | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | |
|---------------------------------|----------|------------------------------|-----------|---|--|--------|----------|
| Examiner Initials' | Cite No. | Foreign Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Class | Subclass |
| | | Office Number | Kind Code | | | | T6 |
| | WO | 95/35277 | A1 | Schering Corp. | 12/28/1995 | C07D | 205/08 X |
| | WO | 96/38047 | A1 | Unilever N.V. and Unilever PLC | 12/05/1996 | A23D | 9/00 X |
| | WO | 97/33882 | A1 | G.D. Searle and Co. | 09/18/1997 | C07D | 337/08 X |
| | WO | 99/40217 | A1 | NEOSE Technologies | 08/12/1999 | C12P | 19/02 X |
| | WO | 99/56558 | A1 | Raisio Benecol OY | 11/11/1999 | A23D | 7/00 X |
| | WO | 00/31287 | A1 | NEOSE Technologies | 06/02/2000 | C12P | 19/02 X |
| | WO | 02/058733 | A2 | Schering Corp. | 08/01/2002 | A61K | 45/06 X |
| | WO | 02/50060 = US 6,703,386 | A1 | Aventis Pharma Deutschland gmbH | 06/27/2002 | C07D | 401/14 X |
| | WO | 03/018024 = US 2003158119 | A1 | Aventis Pharma Deutschland gmbH | 03/06/2003 | A61K | 31/55 X |
| | WO | 03/018059 = US 003158094 | A2 | Aventis Pharma Deutschland gmbH | 03/06/2003 | A61K | 45/06 X |
| | EP | 0 616 780 | A2 | Compania General DEL Algarrobo De Espana, SA | 09/28/1994 | A23L | 1/308 X |
| | EP | 1 238 590 | A1 | Unilever N.V. | 09/11/2002 | A23D | 7/00 X |
| | IN | 166998 | | CIPLA LTD | 08/18/1990 | A61K31 | 705 |
| Examiner Signature | | | | Date Considered | | | |

IDS in spec

Rec'd PCT/PTO 28 FEB 2005

| | | | | | | | |
|---|---|----|----------------------|------------------------|-------------|--|--|
| PTO/SB/08A | | | Complete if Known | | | | |
| Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | App. No. | 10/521,503 | | | |
| | | | Filing Date | January 11, 2005 | | | |
| | | | First Named Inventor | Bernd HABER | | | |
| | | | Group Art Unit | | | | |
| | | | Examiner Name | | | | |
| Sheet | 1 | Of | 1 | Attorney Docket Number | 02/043K NUT | | |

U.S. PATENT DOCUMENTS

| Examiner Initials | Cite No. | U. S. Patent Number | Kind Code | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Class | Sub class |
|-------------------|----------|---------------------|-----------|---|--|-------|-----------|
| | | 4,027,009 | | Grier <i>et al.</i> | 05/31/1977 | 424 | 78 |
| | | 4,231,938 | | Monaghan <i>et al.</i> | 11/04/1980 | 260 | 343.5 |
| | | 4,346,227 | | Terahara <i>et al.</i> | 08/24/1982 | 560 | 119 |
| | | 4,444,784 | | Hoffman <i>et al.</i> | 04/24/1984 | 424 | 279 |
| | | 5,177,080 | | Angerbauer <i>et al.</i> | 01/05/1993 | 514 | 277 |
| | | 5,273,995 | | Roth | 12/28/1993 | 514 | 422 |
| | | 5,354,772 | | Kathawala | 10/11/1994 | 514 | 414 |
| | | 5,998,400 | | Brieaddy <i>et al.</i> | 12/07/1999 | 514 | 211 |
| | | 6,087,353 | | Stewart <i>et al.</i> | 07/11/2000 | 514 | 182 |
| | | 6,180,660 | | Whitney <i>et al.</i> | 01/30/2001 | 514 | 451 |
| | | 6,221,897 | | Frick <i>et al.</i> | 04/24/2001 | 514 | 431 |
| | | 6,277,831 | | Frick <i>et al.</i> | 08/21/2001 | 514 | 43 |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Cite No. | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Class | Subclass | T6 |
|--------------------|----------|-------------------------|-----------------|--|---|--|-------|----------|----|
| | | Office Number | Kind Code | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| Examiner Signature | | | Date Considered | | | | | | |

IDS in spec

Rec'd PCT/PTO 28 FEB 2005

| | | | | | |
|--|---|----|---|------------------------|---------------|
| PTO/SB/08B | | | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | Application Number | 10/521,503 |
| | | | | Filing Date | Jan. 11, 2001 |
| | | | | First Named Inventor | Bernd HABER |
| | | | | Group Art Unit | |
| | | | | Examiner Name | |
| Sheet | 1 | Of | 1 | Attorney Docket Number | 02/043K NUT |

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

| | | | |
|---|----------|---|----|
| Examiner Initials' | Cite No. | Include name of the author (in CAPITAL LETTERS), Title of the Article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published | T2 |
| | | J. W. Anderson et al., "Meta-analysis of The Effects of Soy Protein Intake on Serum Lipids", New England Journal of Medicine, Vol. 333 No. 5, pp. 276-282, August 3, 1995 | X |
| | | Jacobs et al., "Whole-Grain Intake May Reduce the Risk of Ischemic Heart Disease Death in Postmenopausal Women: The Iowa Women's Health Study", American Journal of Clinical Nutrition, Vol. 68, pp. 248-257, 1998 | X |
| | | Wolk et al., "Long-term Intake of Dietary Fiber and Decreased Risk of Coronary Heart Disease Among Women", JAMA, Vol. 281, No. 21, pp. 1998-2004, June 2, 1999 | X |
| | | Brown et al., "Cholesterol-lowering Effects of Dietary Fiber: A Meta-analysis", American Journal of Clinical Nutrition, Vol. 69, pp. 30-42, 1999 | X |
| | | Yamamoto et al., "In Vitro Digestibility and Fermentability of Levan and its Hypocholesterolemic Effects in Rats", J. Nutr. Biochem, Vol. 10, pp. 13-18, January, 1999 | X |
| | | Yamamoto et al., "Hypocholesterolemic Effects of Levan in Rats", Advance in Therapy, Vol. 18, No. 5, pp. 230-236 | X |
| | | Zunft et al., "Carob Pulp Preparation for Treatment of Hypercholesterolemia", Hydrocolloids Part 2, Fundamentals and Application in Food, Biology and Medicine, Elsevier, pp. 399-404, 2000 | X |
| Péres-Olleros et al., "Comparative Study of Natural Carob fibre and Psyllium Husk in Rats. Influence on Some Aspects of Nutritional Utilisation and Lipidaemia", Journal of Science of Food and Agriculture, Vol. 79, pp. 173-178, 1999 | | X | |

| | |
|---|-----------------|
| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |